

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN C. EPTING SR.,	)	4:09CV3158
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
ROBERT HOUSTON,	)	
	)	
Respondent.	)	

This matter is before the court on its own motion. The above-captioned matter has been provisionally filed on July 21, 2009. (Filing No. 1.) However, due to certain technical defects, the Petition cannot be further processed until such defects are corrected. To assure further consideration of the Petition, Petitioner must correct the defect listed below. **FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE PETITION.**

Petitioner has failed to include the \$5.00 filing fee. Petitioner has the choice of either tendering the \$5.00 fee to the Clerk of the court or submitting a request to proceed in forma pauperis and an affidavit of poverty in support thereof. If Petitioner chooses to do the latter, the enclosed pauper's forms should be completed and returned to this court.<sup>1</sup>

IT IS THEREFORE ORDERED that:

1. Petitioner is directed to correct the above-listed technical defect in the Petition on or before August 28, 2009.

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<sup>1</sup>The court is aware of Petitioner's recent Letter stating that he has requested that his institution forward the \$5.00 filing fee to the court. (Filing No. 3.)

2. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice.

3. The Clerk of the court send to Petitioner the Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.

4. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: August 28, 2009: Deadline for Petitioner to submit filing fee or IFP application.

July 28, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge